

ORDINANCE NO. 1777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 15 [ENTITLED "BUILDINGS AND CONSTRUCTION"] OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" BY ADOPTING THE LATEST EDITION OF THE FOLLOWING UNIFORM CODES INTO SAID TITLE 15 OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA":

- 1) UNIFORM ADMINISTRATIVE CODE (1997 EDITION)¹**
- 2) UNIFORM BUILDING CODE (1997 EDITION)**
- 3) NATIONAL ELECTRIC CODE (1999 EDITION)**
- 4) UNIFORM HOUSING CODE (1997 EDITION)**
- 5) UNIFORM MECHANICAL CODE (2000 EDITION)**
- 6) UNIFORM PLUMBING CODE (2000 EDITION)**
- 7) UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (1997 EDITION)**
- 8) UNIFORM BUILDING SECURITY CODE (1997 EDITION)**
- 9) UNIFORM CODE FOR BUILDING CONSERVATION (1997 EDITION)**

THIS ORDINANCE PROVIDES FOR THE ADOPTION OF THE ABOVE REFERENCED UNIFORM CODES, AS MODIFIED AND AMENDED BY THE CITY OF SANTA CLARA; PROVIDES FOR THE ADMINISTRATION OF THE CODES ADOPTED HEREIN; PROVIDES MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY AND PUBLIC WELFARE BY REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF ALL BUILDINGS, STRUCTURES AND GRADING WITHIN THE CITY AND THE INSTALLATION OF PLUMBING, MECHANICAL AND ELECTRICAL SYSTEMS THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; AND REPEALS ORDINANCES IN CONFLICT THEREWITH

THIS ORDINANCE ALSO PROVIDES THAT THE ABOVE IDENTIFIED UNIFORM CODES, AS AMENDED, WILL TAKE EFFECT IMMEDIATELY UPON FINAL ADOPTION OF THIS ORDINANCE AS AN EMERGENCY ORDINANCE

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¹ All 1997 Editions of the listed Uniform Codes were previously adopted by Ordinance No. 1737.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That “The Code of the City of Santa Clara, California” [“**City Code**” or “**SCCC**”] is in the process of recodification. Once finalized, the new City Code will have a completely new numbering system. The section numbers in this ordinance utilize the new numbering system. Until the new City Code is adopted in its entirety, sections of the existing City Code that are amended are enacted with the new numbering system. In instances where it is necessary (or convenient) for enforcement, fee collection purposes, etc., resort may be made to a conversion table, which correlates the new section numbers to the old section numbers, and either section number (new or old) may be utilized.

SECTION 2: That Chapter 15.05 (entitled “Administrative Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.05
ADMINISTRATIVE CODE**

Sec. 15.05.010 Uniform Administrative Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit A (and explained in Exhibit A-1), which exhibits are attached to Resolution No. 6976 and which exhibits are respectively incorporated and adopted by this reference, the Uniform Administrative Code, 1997 Edition (hereinafter termed “**Administrative Code**”), as published by the International Conference of Building Officials [“ICBO”] is hereby adopted. It will control administration of the respective Uniform Codes contained in this Title 15.

A copy of the Administrative Code, as amended by resolution, is on file in the Office of the City Clerk of the City of Santa Clara for examination and use by the public.

Sec. 15.05.020 Enforcement and Penalties.

(a) **ABATEMENT HAZARDS BY BUILDING OFFICIAL.** If any person fails to comply with the orders of the Building Official, or if the Building Official is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Building Official or any authorized representative may take such steps as are necessary to abate the hazard for the protection of the public safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare, constitutes a fire and life safety hazard, or a threat to emergency responders. All costs related to such abatement shall become a lien on the subject property.

(b) **CRIMINAL OR CIVIL PENALTY FOR VIOLATION; PAYMENT OF FUNDS TO ACCOUNT.** Pursuant to the City’s prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District

Attorney, referral to other appropriate agencies, administrative actions and civil actions. Funds received by the City for criminal or civil penalties shall be paid into the City's Uniform Code enforcement account.

(c) **INFRACTIONS/MISDEMEANORS.** Any person who, whether as owner, tenant, occupant, principal, agent, employee or otherwise, does any one or more of the following acts shall, upon conviction, be deemed to be guilty of a misdemeanor:

- (1) Violates, causes the violation of, or fails to comply with any of the provisions of the Uniform Codes, as Adopted and Amended;
- (2) Violates or fails to comply with an order made thereunder;
- (3) Builds any structure in violation of any detailed statement, specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken;
- (4) Fails to comply, within the time affixed herein, or required in the order with an order pursuant to the Uniform Codes, as adopted and amended;
- (5) Violates any of the provisions of this Title 15, any of the provisions of any written authority of the City Manager, the Director of Planning and Inspection, the Building Official or his or her duly authorized agents and representatives;
- (6) Violates or fails to comply with any provision of any permit issued pursuant to this Title 15; or
- (7) Erect, install construct, enlarge, alter, repair, move, improve, remove, replace, convert, equip, use, occupy, maintain or demolish any building, structure or equipment therein, regulated by the Uniform Codes adopted by this Title 15, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of said Uniform Codes.

Each and every day, or any part thereof, during which any such violation is committed, continued or allowed shall be a separate offense.

(d) **PROSECUTION.** Every violation of this Title 15 shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agent has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

(e) **PENALTY FOR INFRACTION.** Each and every violation of this Title 15 which is deemed an infraction is punishable by:

- (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within one year period; or,
- (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this Title 15 within a one year period of the first violation.

(f) **PENALTY FOR MISDEMEANOR.** Each and every violation of this Title 15 which is deemed a misdemeanor is punishable by a penalty of not more than one thousand dollars (\$1,000.00) or by imprisonment in the City or County jail for a period not exceeding six (6) months, or, by both penalty and imprisonment.

(g) **CIVIL PENALTIES.** Any person who intentionally, accidentally or negligently violates any provision of this Title 15, any written authority of the City Manager, the Director of Planning and Inspection, the Building Official or his or her duly authorized agents and representatives, or any provision of any permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars (\$100.00) but not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this Section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances. Funds collected pursuant to this Section shall be paid to City's Uniform Code Enforcement account.

Sec. 15.05.030. Authority to issue citations.

The following designated employee positions may enforce the provisions of this Title 15 by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized agents and representatives, the Director of Planning and Inspection and the Building Official or his or her designee. Peace officers and persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this Title 15."

SECTION 3: That Chapter 15.15 (entitled "Building Code") of Title 15 (entitled "Buildings and Construction") of the City Code is amended to read:

**"Chapter 15.15
BUILDING CODE**

Sec. 15.15.010. Uniform Building Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit B (and explained in Exhibit B-1), which exhibits are attached to

Resolution No. 6976 and which exhibits are respectively incorporated by this reference, the Uniform Building Code, 1997 Edition, as published by the International Conference of Building Officials (hereinafter termed "**Building Code**") is hereby adopted.

A copy of the Building Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Expressly excluded from adoption are Sections 102 through 109, inclusive, of Volume 1 of the Building Code. Appendix Chapters 3 - Division II; 4 - Division I, 18, 31 -Divisions II and III, 33, and 34 - Division III are adopted.

Sec. 15.15.020. Administration of Building Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code, as amended from time to time. Administration of the Building Code will be pursuant to the Administrative Code, as amended."

SECTION 4: That Chapter 15.20 (entitled "Electric Code") of Title 15 (entitled "Buildings and Construction") of the City Code is amended to read:

**"Chapter 15.20
ELECTRIC CODE**

Sec. 15.20.010. Electric Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit C (and explained in Exhibit C-1), which exhibits are attached to Resolution No. 6976 and which exhibits are respectively incorporated by this reference, the National Electric Code, 1999 Edition, as published by the National Fire Protection Association (hereinafter termed "**Electric Code**") is hereby adopted.

Expressly excluded from adoption is Section 90-4 (entitled "Enforcement") of the Electric Code.

A copy of the Electric Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.20.020. Administration of Electric Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code, as amended from time to time. Administration of the Electric Code will be pursuant to the Administrative Code, as amended."

SECTION 5: That Chapter 15.25 (entitled "Housing Code") of Title 15 (entitled "Buildings and Construction") of the City Code is amended to read:

**“Chapter 15.25
HOUSING CODE**

Sec. 15.25.010. Uniform Housing Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit D (and explained in Exhibit D-1), which exhibits are attached to Resolution No. 6976 and which exhibits are respectively incorporated by this reference, the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials (hereinafter termed “**Housing Code**”) is hereby adopted.

Expressly excluded from adoption are Chapters 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, and 16 and Section 701.1 inclusive, of the Housing Code.

A copy of the Housing Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.25.020. Administration of Housing Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code, as amended from time to time. Administration of the Housing Code will be pursuant to the Administrative Code, as amended.”

SECTION 6: That Chapter 15.30 (entitled “Mechanical Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.30
MECHANICAL CODE**

Sec. 15.30.010. Uniform Mechanical Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit E (and explained in Exhibit E-1), which exhibits are attached to Resolution No. 6976 and which exhibits are respectively incorporated by this reference, the Uniform Mechanical Code, 2000 Edition, as published by the International Conference of Building Officials (hereinafter termed “**Mechanical Code**”) is hereby adopted.

Expressly excluded from adoption are Sections 104 through 117, inclusive, of the Mechanical Code.

A copy of the Mechanical Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

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Sec. 15.30.020. Administration of Mechanical Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code, as amended from time to time. Administration of the Mechanical Code will be pursuant to the Administrative Code, as amended.”

SECTION 7: That Chapter 15.35 (entitled “Plumbing Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.35
PLUMBING CODE**

Sec. 15.35.010. Uniform Plumbing Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit F (and explained in Exhibit F-1), which exhibits are attached to Resolution No. 6976 and which exhibits are respectively incorporated by this reference, the Uniform Plumbing Code, 2000 Edition, as published by the International Association of Plumbing and Mechanical Officials (hereinafter termed “**Plumbing Code**”) is hereby adopted.

Expressly excluded from adoption are Sections 102 through 103.6, 413.1 through 413.3 inclusive, of the Plumbing Code.

A copy of the Plumbing Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.35.020. Administration of Plumbing Code.

Chapter 15.05 of this Title 15 adopts the most current edition of Administrative. Administration of the Plumbing Code will be pursuant to the Administrative Code, as amended.”

SECTION 8: That Chapter 15.40 (entitled “Dangerous Building Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.40
DANGEROUS BUILDING CODE**

Sec. 15.40.010. Uniform Code for the Abatement of Dangerous Buildings adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit G (and explained in Exhibit G-1), which exhibits are attached to Resolution No. 6976 and which exhibits are respectively incorporated by this reference, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the

International Conference of Building Officials (hereinafter termed “**Dangerous Building Code**”) is hereby adopted.

Expressly excluded from adoption are Sections 203 through 205.2, inclusive, of the Dangerous Building Code.

A copy of the Dangerous Building Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.40.020 Administration of Dangerous Building Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code. Administration of the Dangerous Building Code will be pursuant to the Administrative Code, as amended.”

SECTION 9: That Chapter 15.50 (entitled “Uniform Building Security Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.50
UNIFORM BUILDING SECURITY CODE**

Sec. 15.50.010. Uniform Building Security Code adopted by reference.

Except as modified by printed amendment, the Uniform Building Security Code, 1997 Edition, as published by the International Conference of Building Officials (hereinafter termed “**Building Security Code**”) is hereby adopted.

A copy of the Building Security Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.50.020. Administration of Building Security Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code, as amended from time to time. Administration of the Building Security Code will be pursuant to the Administrative Code, as amended.”

SECTION 10: That Chapter 15.75 (entitled “Building Conservation Code”) of Title 15 (entitled “Building Conservation Code”) of the City Code is amended to read:

**“Chapter 15.75
UNIFORM CODE FOR BUILDING CONSERVATION**

Sec. 15.75.010. Uniform Code for Building Conservation adopted by reference.

Chapter 5 and appendix Chapter 1 of the Uniform Code for Building Conservation, 1997 Edition, as published by the International Conference of Building Officials, (hereinafter termed “**Building Conservation Code**”) are hereby adopted.

A copy of the Building Conservation Code is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.75.020. Administration of Building Conservation Code.

Chapter 15.05 of this Title 15 adopts the most current edition of the Administrative Code, as amended from time to time. Administration of the Building Conservation Code will be pursuant to the Administrative Code, as amended.”

SECTION 11: Savings Clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done, or any penalty of forfeiture incurred or any right established or accruing, before the effective date of this ordinance. The changes provided for in this ordinance shall not effect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance.

All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 12: Constitutionality, severability.

If any section, subsection, sentence, clause or phrase of this ordinance, is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council of the City of Santa Clara declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases, were to be held invalid by such court.

[Section 13 “Emergency Measure” provision and City Clerk attestation follow on page 10]

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**SECTION 13: EMERGENCY MEASURE; EFFECTIVE IMMEDIATELY UPON
FINAL ADOPTION**

Pursuant to City Charter sections 810, 811 and 812, the City Council hereby declares this ordinance to be necessary as an emergency measure for preserving the public peace, health, safety or property in the City of Santa Clara, and as such, shall go into effect immediately upon its final adoption by at least five affirmative votes of the City Council for the following reasons:

The State of California permits amendments to the Uniform Codes for local conditions. However, these amendments must be adopted by November 1, 2002. Therefore, this ordinance must be adopted as an emergency measure to be effective before November 1, 2002.

PASSED FOR THE PURPOSE OF PUBLICATION this 1st day of October, 2002, by the following vote:

AYES:	COUNCILORS:	Diridon, Kolstad, Mahan, Matthews, Parle and Mayor Nadler
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	McLemore
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
J. E. BOCCIGNONE
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 15th day of October 2002, by the following votes:

AYES:	COUNCILORS:	Diridon, Kolstad, Mahan, Matthews, McLemore, Parle and Mayor Nadler
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
J. E. BOCCIGNONE
City Clerk
City of Santa Clara